

**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office APR 27 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed APR 27 2004

The applicant **Jon L. and Katherine C. Muller** hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.)

1. The source of the proposed appropriation is **Underground**
2. The amount of water applied for is **100 gpm (0.223 c.f.s.)** second-feet
 - (a) If stored in reservoir give number of acre-feet **40.0 AF, 100 gallon tank**
3. The water to be used for **Irrigation and Domestic (Item 12)**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated **10 acres.**
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, T.15N., R.63E., MDB&M. at a point that is S. 45°30' W. a distance of 2571 feet from the NE corner of Section 12, T.15N., R.63E., MDB&M.**
6. Place of Use **NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, T.15N., R.63E., MDB&M., which is Lot 63 of Ely Invstment Partnership Subdivision.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Drilled well with pipe lines and small hoses to places of use for irrigation. Pipe line from drilled well to storage tank for residential use.**
9. Estimated cost of works **\$14,000.00**
10. Estimated time required to construct works **one year**
11. Estimated time required to complete the application of water to beneficial use **3 years**
12. Remarks: **irrigation of area and one residential unit.**

Ernest E. Muller, Sr., SWRS 702
By s/Ernest E. Muller
750 W. Pueblo St.
Reno, NV., 89509

Compared cmf/sam lt/gkl

Protested 6/24/04 by: Dean Day City of Ely
w/d 9/27/04

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued for the irrigation of 5.38 acres within the described place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0223 cubic feet per second, but not to exceed 16.13 acre-feet annually, and not to exceed a yearly duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

April 14, 2006

Proof of completion of work shall be filed on or before:

May 14, 2006

Water must be placed to beneficial use on or before:

April 14, 2008

Proof of the application of water to beneficial use shall be filed on or before:

May 14, 2008

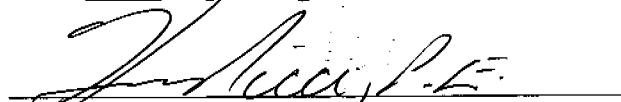
Map in support of proof of beneficial use shall be filed on or before:

May 14, 2008

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 14th day of April A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____